

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte MARK MEISTER and JAMES RANDALL BECKERS

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Application No. 10/715,408

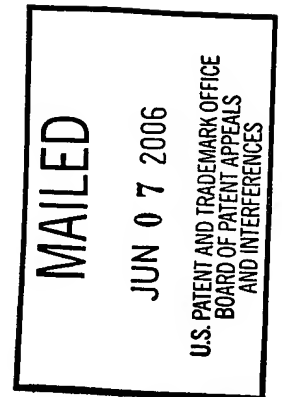
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ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

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This Image File Wrapper (IFW) application was electronically received at the Board of Patent Appeals and Interferences on May 13, 2006. A review of the application has determined that the application is not ready for docketing as an appeal. Accordingly, the application is herewith returned to the examiner. The matters requiring attention prior to docketing are identified below:

On August 25, 2005, the USPTO received an Appeal Brief from appellants in accordance with 37 CFR § 41.37(c). The following deficiency requires immediate attention and action:



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The Appeal Brief lacks the following sections:

(1) "Evidence Appendix," as set forth in 37 CFR

§ 41.37(c)(1)(ix).

(2) "Related Proceedings Appendix," as set forth in 37 CFR

§ 41.37(c)(1)(x).

A Supplemental Appeal Brief that is in compliance with 37 CFR § 41.37(c) is required.

Further review has determined that the Examiner's Answer mailed on December 5, 2005 is not compliant with the Manual of Patenting Examining Procedure (MPEP) § 1207.02(A) in that the headings required are not in the proper order or worded as outlined in the MPEP. The headings that are deficient/missing should read as follows:

(7) Claims Appendix,

(8) Evidence Relied Upon,

(9) Grounds of Rejection,

(10) Response to Argument, and

(11) Related Proceedings Appendix.

A corrected Examiner's Answer that complies with MPEP 1207.02(A) is required.

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For more information on the Board's new rules see the web page:

<http://www.uspto.gov/web/offices/dcom/bpai/fr2004/moreinfo.html>.

Accordingly, it is

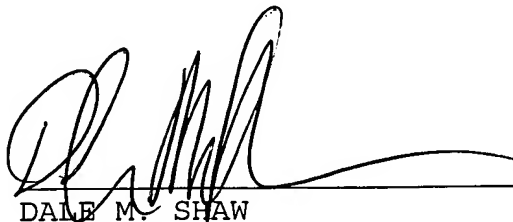
ORDERED that the application is returned to the examiner

(1) to have the appellants submit a Supplemental Appeal Brief in compliance with the new rules set forth in 37 CFR § 41.37(c)(1)(v), § 41.37(c)(1)(ix), and § 41.37(c)(1)(x) correcting the noted deficiencies outlined above;

(2) to furnish a corrected Examiner's Answer that fully meets the criteria for heading and content requirements of MPEP § 1207.02(A); and

(3) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

A handwritten signature in black ink, appearing to read 'D. M. Shaw', is written over a horizontal line.

DALE M. SHAW  
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Application No. 10/715,408

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